

**STATE OF MINNESOTA
COUNTY OF RAMSEY****DISTRICT COURT
SECOND JUDICIAL DISTRICT**

Troy Kenneth Scheffler,
Plaintiff,

Court File Number: **62-CV-25-6308**

Case Type: Civil Other/Misc.

Judge: Laura Nelson

vs.

**NOTICE AND MOTION FOR
RECONSIDERATION OF ORDER
DATED OCTOBER 1, 2025 AND
MEMORANDUM IN SUPPORT
OF MOTION**

Ramsey County,
Bob B. Fletcher, and
Tim Gulden,
Defendants.

TO: Brett Bacon, Assistant Ramsey County Attorney, 360 Wabasha St. N., Suite 100, Saint Paul, MN 55102

MOTION

Plaintiff Troy Scheffler respectfully moves this Court to reconsider its Order dated October 1, 2025, which granted Defendants' Motion to Dismiss Claims 2 and 3 of Plaintiff's Complaint.

GROUND FOR RECONSIDERATION

1. The Court's Order contains no analysis of the extensive briefing submitted by Plaintiff nor the idiosyncratic briefing submitted by Defendants, which improperly attempted to dispute facts that must be accepted as true under Rule 12.02(e).
2. The Order states only that the Court ruled "for the reasons stated on the record," but:
 - Plaintiff's extensive briefing should have been sufficient to defeat the motion without need for oral argument
 - This was a dispositive ruling dismissing two claims with prejudice
 - The Order provides no substantive analysis of the legal issues despite the comprehensive briefing submitted

3. Based on the written briefing alone, Defendants' motion should have been denied because:

a. Defendants violated the fundamental Rule 12.02(e) standard by attempting to dispute facts rather than accepting them as true. Their own memorandum acknowledges that "the reviewing court must consider only the facts alleged in the complaint, accepting those facts as true" (citing Bodah), yet their entire argument contradicts the complaint's factual allegations.

b. Claim 2 alleges Defendants failed to properly identify the Responsible Authority as required by Minn. Stat. § 13.025, subd. 1. This is a continuing violation that exists regardless of what may have been listed in 2021. The statute requires CURRENT compliance.

c. Claim 3 alleges Defendants failed to make publicly available a policy concerning data subjects' rights under Minn. Stat. § 13.025, subd. 3. Again, this is a present-tense requirement that must be currently satisfied.

d. Defendants' entire argument rested on disputing Plaintiff's factual allegations about current policy deficiencies - an argument categorically prohibited in a Rule 12.02(e) motion. They cannot argue "we actually do have proper policies" when the complaint alleges they don't. Those facts must be accepted as true.

e. Even more bizarrely, Defendants argued that historical facts from 2021 somehow defeat claims about 2025 violations - temporal confusion that cannot support dismissal.

f. Defendants' improper attempt to dispute facts in their motion to dismiss explains their simultaneous refusal to engage in discovery on Claim 1 (which they didn't challenge). They know discovery would reveal the actual facts about their current policy deficiencies, facts

they improperly attempted to dispute in this motion. This pattern necessitated Plaintiff's Motion to Compel filed today.

4. Plaintiff's extensive briefing (Index #7, #25, #26) already established:

- The MGDPA requires ongoing compliance, not historical compliance
- Plaintiff alleged current violations, not past violations
- Defendants conflated factual background with the actual claims
- The claims clearly state causes of action under the MGDPA

5. Defendants committed numerous procedural violations detailed in Plaintiff's Motion for Sanctions (Index #25, #26):

- Filed three different versions of the same motion
- Admitted violating Minn. Stat. § 549.211
- Failed to properly meet and confer under Rule 115.10

6. A motion to dismiss under Rule 12.02(e) requires accepting all facts as true and construing all inferences in favor of Plaintiff. The Court dismissed claims without any written analysis explaining how Plaintiff failed to meet this lenient standard.

7. The paucity of the Order - lacking any substantive analysis - combined with Plaintiff's absence and extensive un rebutted briefing, demonstrates clear error requiring reconsideration.

ARGUMENT

The standard for a Rule 12.02(e) motion is whether it is possible on any evidence which might be produced, consistent with the pleader's theory, to grant the relief demanded. The Court's Order provides no explanation for how Claims 2 and 3 fail this extremely lenient standard.

Plaintiff's complaint clearly alleges:

- Defendants currently fail to properly list the Responsible Authority (Claim 2)
- Defendants currently fail to make available required policies (Claim 3)
- These are statutory violations under the MGDPA
- Plaintiff is entitled to exemplary damages for these violations

Defendants' only argument was that Plaintiff mentioned historical facts in the complaint's background section. This is not grounds for dismissal. The claims themselves allege present violations of current statutory duties.

The Court should reconsider because:

1. The Order lacks any analysis of the claims' validity
2. The comprehensive briefing overwhelmingly supports denying the motion - oral argument should not have been necessary for the Court to recognize the deficiencies in Defendants' arguments
3. This was a dispositive ruling dismissing claims with prejudice based on briefing that clearly showed the claims were valid
4. Plaintiff's absence (due to excusable neglect per accompanying Motion to Vacate) should not have resulted in dismissal when the written record so strongly favored Plaintiff
5. Dismissing claims based on temporal confusion is clear error

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Reconsider its Order dated October 1, 2025;
2. Reverse the dismissal of Claims 2 and 3;
3. Reinstate Claims 2 and 3 of Plaintiff's Complaint;

4. Grant such other relief as the Court deems just and equitable.

Respectfully submitted,

/s/ **Troy Scheffler** 10/01/2025

****Troy Scheffler****

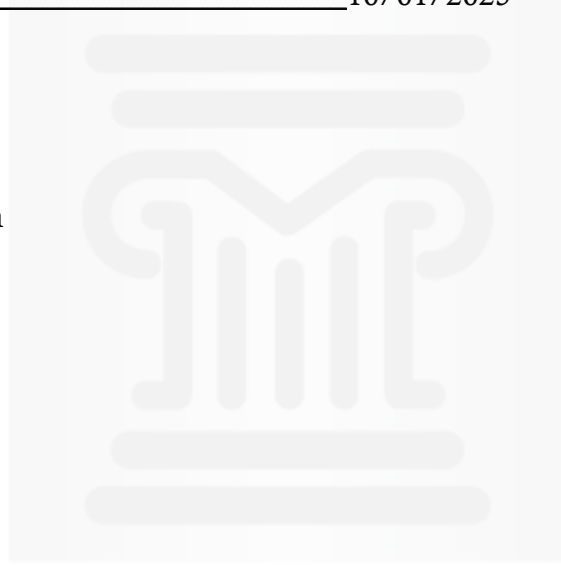
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